



SHELBY COUNTY SCHOOLS BOARD OF EDUCATION 2019 LEGISLATIVE AGENDA



1. **GENERAL RESTRICTIONS ON UNFUNDED MANDATES**

The Shelby County Board of Education ("SCBE") continues to urge the Tennessee General Assembly to refrain from continuing to impose unfunded mandates on local school districts.

2. **FUNDING**

✓ **Basic Education Program (BEP) & Response to Instruction and Intervention (RTI)**

- The SCBE continues to urge the Tennessee General Assembly to require that the BEP be fully funded, including funding for students with identified "at-risk" factors; and that the fiscal capacity calculation be based on the area within the borders of the LEA when both municipal and county school district funding exists.

✓ **RTI**

- The SCBE continues to urge the Tennessee General Assembly to fund RTI programs and supportive measures.

✓ **Administrative Hearings Regarding Funding**

- The SCBE urges the Tennessee General Assembly to require an administrative hearing when the Commissioner of Education withholds funds from an LEA.

NOTE ABOUT THE IMMEDIATE PAST LEGISLATIVE SESSION: Legislation related to budget/BEP was filed during the 2018 Legislative Session but not passed. Had it passed, the legislation would have:

- Required the average teacher salary in Tennessee to be used as the BEP salary component;
- Required the state to prove a minimum level of BEP funding for all districts;
- Required the BEP formula to include money for Response to Instruction and Intervention (RTI);
- Increased spending for counselors and nurses; and
- Required an administrative hearing before the Commissioner of Education withheld funds from an LEA (Deferred to 2018).

Shelby County Schools Legislative Report, CLASS Report, presented at August 17, 2017 Legislative & Advocacy Meeting.

✓ **Sales Tax**

- The SCBE opposes any bill that proposes a “roll back” of sales tax revenue equal to the amount the State of Tennessee may receive as a consequence of the U.S. Supreme Court decision of *South Dakota v. Wayfair, Inc., et al.*, that paved the way for states to begin receiving additional revenue in order to fund increases to crucial government services, including public schools. Instead, the SCBE strongly supports the use of such revenue to increase funding for public schools.

3. OPPOSITION TO THE CREATION OF A STATE VOUCHER PROGRAM

- ✓ The SCBE continues to **strongly** oppose legislation establishing the creation of a State voucher program.

NOTE ABOUT THE IMMEDIATE PAST LEGISLATIVE SESSION: Legislation related to school vouchers was filed during the 2018 Legislative Session but not passed. Had it passed, the legislation would have:

- Created a statewide voucher program, starting with a “pilot” private school voucher program for SCS students;
- Created a statewide “Empowerment Scholarship Program” (similar to Arizona’s education savings account program; and
- Further increased the number of students qualifying for IDEA vouchers.

Shelby County Schools Legislative Report, CLASS Report, presented at August 17, 2017 Legislative & Advocacy Meeting.

4. ASD

The SCBE continues to urge the Tennessee General Assembly to require the following with respect to the Achievement School District (ASD):

- Promulgation of rules and regulations by the Tennessee State Board of Education governing the operation of the ASD.
- Establishment of a Priority Schools selection timeline.
- Limitation on the frequency of selecting schools from the Priority Schools List.
- A county cap on the number of schools the ASD may operate.
- Allowing parent participation in selection of the turnaround model for Priority Schools.

- Require the ASD to be responsible for deferred maintenance in ASD-occupied building/schools.
- Establish a mechanism by which the parents of students attending an ASD school can elect to remove the school from the ASD and return it to the LEA.
- Establish outline of when ASD-run schools will return to SCS.

NOTE ABOUT THE IMMEDIATE PAST LEGISLATIVE SESSION: Legislation related to the ASD was filed during the 2018 Legislative Session but not passed. Had it passed, the legislation would have:

- Prohibited the ASD from adding grades to schools; and
- Required parents to vote before schools could be assigned to the ASD.

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5. **STUDENT DATA DISCLOSURE**

The SCBE continues to oppose any mandate that requires LEAs to release student data to the Achievement School District and/or Charter Schools.

6. **CHARTER SCHOOLS**

The SCBE urges the Tennessee General Assembly to clarify several portions of the Charter School law, including, but not limited, portions addressing discipline, enrollment, compliance with state and federal laws.

The SCBE urges the Tennessee General Assembly to re-authorize a task force to study and evaluate the effectiveness of charter schools operating under the Tennessee Public Charter Schools Act.

The SCBE urges the Tennessee General Assembly to require the following with respect to charter schools:

✓ ***Creation or Conversion of Charter Schools***

- Amend relevant statute to identify the criteria an LEA should consider in determining whether an application should be treated as a conversion of a private, parochial, cyber-based or home-based school to a public charter school.

✓ ***Charter School Application Submissions and Evaluations***

- Amend relevant statute to limit a chartering authority's evaluation of performance to that of Tennessee charter school sponsors.
- Amend relevant statutes to require an LEA to develop geographic areas within its jurisdiction for the purposes of charter applications, require a charter school applicant to identify the geographic area in which it intends to open a charter school, require an approved charter school to seek permission from the LEA to open in an area other than the geographic area described in its application after it has been approved, and require an approved charter school to seek permission from the LEA if a charter school intends to relocate to a location outside its original geographic area at any time during the charter term.
- Add language placing a cap on the number of charter schools an LEA can approve each school year.
- Add language mandating a single application deadline and eliminating the amended application deadline.
- Add language allowing an LEA to consider "oversaturation" (term to be defined) of a school zone as a basis for denying a charter application.
- Remove language permitting a charter school sponsor to make corrections to its application on appeal after a charter school denial.

✓ ***Charter School Renewal Application Evaluations***

- Amend relevant provision in the renewal statute to comport with timeline for which data is made available for charter school renewal applications (i.e. replace "nine (9) years preceding" in T.C.A. § 49-13-121(c) with "eight (8) years preceding").

✓ ***Charter School Revocations***

- Amend the revocation statute to include language permitting an authorizer to take interim measures, short of full revocation, in response to deficiencies in the public charter school performance or legal compliance (e.g., request correction action plans from charter schools).

✓ ***Key Statutory Deadlines***

- Amend timelines in several statutory provisions that comport with actual state practice for when the April 1 deadline falls on a weekend (e.g., replace "on or before April 1" with "on April 1 or the nearest following business day")

✓ ***Discipline and Enrollment at Charter Schools***

- Require that, if an SCS-authorized charter school sends student to an SCS-managed alternative setting, all funding follow the child to the alternative setting.
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- Expressly limit charter schools' flexibility and autonomy to expel and/or deny enrollment to students for any reason other than disciplinary infractions and limit charter schools' autonomy and flexibility to consider a student's cumulative behavioral and disciplinary history when making enrollment or reenrollment decisions.
- Allow a student receiving a long-term suspension between 11 and 180 days, at the conclusion of the long-term suspension, to return to the charter school from which they were expelled at the student's parent(s)' election, and that the charter school not deny re-enrollment without due process.
- Expressly prohibit charter schools from discriminating against students in its admissions to the schools based on the student's membership in any legally recognized protected class.
- Expressly prohibiting public charter schools from predicated student admissions on the parental execution of academic, behavioral or volunteer contracts.

✓ ***Charter School Funding***

- Allow an LEA assessment fee specifically for Other Post-Employment Benefits (OPEB) liabilities calculated on a per student basis.
- Require maintenance of an escrow account equivalent to three (3) months BEP funding received.
- Require charter school funding to be calculated based on previous-year student enrollment.

✓ ***Charter School Compliance***

- *Require Safety Assurances:* Amend compliance statute to require charter schools to adhere to school safety laws described in the federal SAVE Act and State Board rules and policies.
- *Prohibit Registration Fees:* Amend compliance statute to prohibit charter schools from requiring parents to pay any fees for registration or fees other than those allowed by state board policy, and require public charter schools to inform parents or guardians that any such fees are not required as a condition of enrollment.
- *Creation of Parent/Guardian Bill of Rights for Charter School Parents:* Amend compliance statute to require TDOE to develop a "Parent and Guardian Bill of Rights" to inform charter school parents of legal rights available to them in a public school, including, but not limited to, enrollment, withdrawal, transportation, special education services, discipline, and grievances. Require schools to include the "Parent and Guardian Bill of Rights" in their annual parent-student handbook, and include instructions on how to contact the public charter school governing board with grievances and concerns and identifying the name of the chartering authority to which the school is held responsible.

- **Conflict of Interest:** Amend compliance statute to prohibit employees, trustees, agents, or representatives of any authorizer from simultaneously serving as an employee, trustee, agent, representative, vendor or contractor of a public charter school authorized by that entity. (NOTE: This language is adapted from the Model Law, as promulgated by National Alliance for Public Charter Schools.)
- **Expansion of LEA Oversight Authority:**
 - Amend compliance statute to expand an LEA's authority to conduct oversight activities that enable the authorizer to fulfill its responsibilities under the Charter School Law, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this Act, adhere to the terms of the charter contract or agreement, and do not unduly inhibit the autonomy granted to public charter schools. (NOTE: This language is adapted from the Model Law, as promulgated by National Alliance for Public Charter Schools.)
 - Amend compliance statute outlining process for providing noncompliant charter school an opportunity to remedy noncompliance upon receiving notice of noncompliance from the authorizer.

7. **STUDENTS & ACADEMICS**

✓ **Discipline**

- The SCBE urges the Tennessee General Assembly to require any student who is expelled from any LEA to enroll into an alternative setting, and to require all charter schools and school districts to have an alternative setting.

✓ **Postsecondary Opportunities**

- The SCBE opposes any law that requires an LEA, in offering student opportunities to obtain dual enrollment course credit, to first partner with state community colleges or Tennessee colleges of applied technology (TCATs) before pursuing partnership opportunities with public universities or private institutions of higher education. The passing of such legislation would unfairly impede a student's right to obtain dual enrollment courses at multiple institutions of higher education and interfere with an LEA's ability to craft curriculum in the best interest of its schools and families.

NOTE ABOUT THE IMMEDIATE PAST LEGISLATIVE SESSION: Legislation related to the postsecondary opportunities was filed during the 2018 Legislative Session but not passed. Had it passed, the legislation would have:

- Required any LEA partnering with an institution of higher education to provide early postsecondary credit to first offer the partnership opportunity to state community colleges and TCATs located in Shelby County;
- Allowed partnerships between LEAs public and private colleges and universities only after the LEA has shown that the community college or TCAT cannot provide the desired course in reasonable timeframe.

✓ **Behavioral Supports**

- The SCBE urges the Tennessee General Assembly to require all LEA and charter school operators to develop a mental health assessment/ guideline/ process for parents.

✓ **Truancy**

- The SCBE urges the Tennessee General Assembly to create, fund and monitor a database that affords DHS the ability to be notified if a child is truant from school. This database could be used by LEAs, as well as District Attorneys' offices and parents who do not receive state assistance.

8. TEACHERS

✓ **Credentials and Licensure:**

- The SCBE urges the Tennessee General Assembly to allow credentialing flexibility for hiring teachers.

✓ **Teacher Contract Damages:**

- The SCBE urges the Tennessee General Assembly to clarify the method by which teacher contract damages are calculated in the event that a teacher's suspension and/or termination are overturned. The clarification is needed in order to align the law with general principals of employment and contract law.

✓ **Hiring/Criminal Background Checks:**

- The SCBE urges the Tennessee General Assembly to update and eliminate existing laws that preclude educators holding teaching licenses in other states from ever being licensed to teach in Tennessee if the educator has ever been convicted of certain enumerated offenses. Therefore, SCBE seeks to modify existing law and allow these teachers to be licensed in Tennessee after a certain period of time has passed without incident or after a certain period of time during which the teacher worked in another state as a licensed teacher without incident.

✓ **Dismissal Hearings:**

- The SCBE urges the Tennessee General Assembly to clarify the suspension/dismissal hearing provision of the Tenure Teacher Act. Under the Act, the dismissal statute does not address how back pay should be calculated (if at all) if a teacher (or his or her attorney) asks to have his/her hearing outside the 30-day timeline provided for having the hearing under the statute.

9. ASSESSMENTS/TN READY

The SCBE urges the Tennessee General Assembly to require the TDOE to use multiple and/or alternative methods of accountability beyond TN Ready that more accurately and reliably assess students' understanding of core subjects and classroom performance.

NOTE ABOUT THE IMMEDIATE PAST LEGISLATIVE SESSION: Legislation related to school assessments and TN Ready was filed during the 2018 Legislative Session but not passed. Had it passed, the legislation would have:

- Allowed school districts to use ACT tests instead of TN Ready;
- Limit the number of state assessments; and
- Limit the amount of time spent on state assessments.

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